

STATE OF INDIANA- COUNTY OF FLOYD  
IN THE FLOYD COUNTY AND SUPERIOR COURTS

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NOTICE OF PROPOSED LOCAL RULE AMENDMENT FOR THE COURTS OF RECORD  
OF FLOYD COUNTY

JUNE 1, 2012

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In accordance with Trial Rule 81(B), the Floyd Circuit and Superior Court hereby give notice to the bar and the public that the Courts propose to amend the Local Rule at LR22-TR-00-117 setting forth Assignment of Cases to Equalize Workload Between Courts. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for the amendments and may not take effect until approved by the Supreme Court.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on June 1, 2012, and shall close on July 1, 2012. The proposed amendments to the rule will be submitted to the Indiana Supreme Court for approval by August 1, 2012. The proposed effective date of the amended caseload allocation plan will be **retroactive to January 1, 2012**.

Comments by the bar and the public should be made in writing and mailed to:

Honorable J. Terrence Cody, Judge of the Floyd Circuit Court  
Attention: Public Comment on Local Rules  
471 City-County Building; 311 Hauss Square  
New Albany, IN 47150

A paper copy of the proposed amended local rule will be made available for viewing in the office of the:

Clerk of Floyd County  
235 City-County Building; 311 Hauss Square  
New Albany, IN 47150

during normal business hours. Persons with internet access may view the proposed material amended local rule at the following website:

<http://www.in.gov/judiciary/rules/local>

Honorable Susan L. Orth  
Floyd Superior Court No. 1

Honorable Glenn G. Hancock  
Floyd Superior Court No. 2

Honorable Maria D. Granger  
Floyd Superior Court No. 3

Honorable J. Terrence Cody  
Floyd Circuit Court

ASSIGNMENT OF CASES TO EQUALIZE WORKLOAD BETWEEN COURTS

(EFFECTIVE JANUARY 1, 2012)

**A. Assignment.** The judges of the Circuit and Superior Courts shall meet on or before October 15 of each year to assign cases to review the Caseload Allocation Plan. Different numbers of cases may be assigned to each court ~~per the caseload statistics received each year~~ based on the caseload statistics received each year from State Court Administration.

**B. Transfer.** Transfer between the Floyd Circuit Court and the Floyd Superior Courts shall be accomplished pursuant to IC 33-29-1-9 & 10, which allows the judges to transfer cases between courts with mutual consent and to sit on any case in either court with mutual consent.

~~**C. Floyd Superior Court #3 (Newly created January 1, 2009).** While the Court has jurisdiction equal to the two other Superior Courts, the following cases will be assigned to the Floyd Superior Court #3 until the caseload equalizes between the four Courts. This assignment will be reviewed on or before October 15, 2009. These cases include: the exclusive filing of all Pro Se Divorces, all Protective Orders, and all Civil Collection cases over \$6,000.~~

**D.C. Criminal Cases.**

(1) All Murder cases shall be divided equally between the Circuit, Superior #1 and Superior #3 Courts. All Class A, Class B, Class C, Class D Felony and Domestic Battery cases (Misdemeanor and Felony) shall be filed as follows (except as otherwise designated below):

- (a) Class A Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1 and 25% shall be filed in the Superior Court #3.
- (b) Class B Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.
- (c) Class C Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1, and 25% shall be filed in the Superior Court #3.
- (d) Class D Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1, and 25% shall be filed in the Superior Court #3.

- (e) Domestic Battery Cases (Misdemeanor and Felony): 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.

(2) All Traffic Infractions and Ordinance Violations shall be filed in the Superior Court #2.

(3) All Motor Vehicle Code, Traffic Misdemeanor and Class D Felony Traffic cases shall be filed in Superior Court #2.

(4) All other Misdemeanor offenses, excepting Domestic Violence cases shall be filed in the Superior Court #2 unless the Defendant has a pending case, or is presently on probation, or has a case under advisement, or a case which has been diverted, ~~in the Circuit, Superior #1 or Superior #3 Court~~ in the Circuit Court, Superior Court #1, or Superior Court #3. In the event of such occurrence, the new charge shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted.

**D. ~~Civil Cases.~~** ~~Except as provided by statute, the Circuit and Superior Courts will participate in open filing of all Civil Tort, Civil Plenary, Mortgage Foreclosure, and Miscellaneous cases. Pursuant to Section C of this local rule, the Superior Court #3 will have exclusive filing of the following new cases: all Pro Se Divorces, Protective Orders, and Civil Collection cases over \$6,000. Civil Collection cases under \$6,000 shall be filed in the Superior Court #2.~~ **Civil Cases.**

- (1) Except as provided by statute, Civil Tort, Civil Plenary, Mortgage Foreclosure, and Miscellaneous cases may be filed on an open basis in the Circuit Court, Superior Court #1, Superior Court #2, or Superior Court #3.
- (2) Civil Collection cases \$2,500 and over shall be filed as follows:
  - (a) 50% in Superior Court #1.
  - (b) 50% in Superior Court #3.
- (3) Civil Collections cases under \$2,500 shall be filed in Superior Court #2.

**E. Protection Order.** All Protection Orders shall be filed in Superior Court #3 (See Local Rule LR22-FR00-314 regarding transfer of Protection Order cases).

**F. Domestic Relations Cases.** ~~Pursuant to Section C of this local rule, All Pro Se Divorces shall be filed in the Superior Court #3. All non-pro se divorces may be filed in either the Circuit or Superior Courts #1 and #3 on an open base in the Circuit Court, Superior Court #1, or Superior Court #3.~~

**G. Small Claims.** All Small Claims cases shall be filed in Superior Court #2

**H. Mental Health.** Mental Health cases may be filed in any of the Floyd County Courts.

**I. Juvenile.** ~~Court shall have exclusive jurisdiction over all juvenile matters subject to~~ All JP, JC, JT and JM (CHINS) cases shall be filed in the Circuit Court subject to LR22-TR-00-17(B). All JD, JS, and JM (delinquent) cases shall be filed in Circuit Court subject to LR22-TR00-17 (B).

**J. Guardianships and Estates.** ~~Circuit Court shall have exclusive jurisdiction over All Adoptions, Guardianship, Trust and Estate (supervised and unsupervised) proceedings subject to LR22-TR00-17 (B).~~ cases shall be filed in the Circuit Court.

**~~K. Reciprocal Support Cases.~~** ~~Reciprocal Support Cases may be filed in the Circuit, Superior #1 or Superior #3.~~

**K. Adult Problem Solving Court Program(s).**

- (1) Floyd County Problem Solving Court Program(s) shall be established pursuant to IC 33-23-16-11 and in accordance with Floyd County Local Rules to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers, as determined by its written policy and procedures.
- (2) Those persons directed to participate in a Floyd County Problem Solving Court Program shall pay the following fees in accordance with IC 33-23-16-23
  - (a) The program fee, not to exceed one hundred (\$100.00) dollars, per admission for initial problem solving court services regardless of the length of participation;
  - (b) The court service fee, not to exceed fifty (\$50.00) dollars per month beginning in the second month of participation and for each month of participation thereafter for the duration of individual's participation; and
  - (c) The transfer fee, not to exceed twenty-five (\$25.00) dollars, transfer to the problem solving court.
  - (d) Any additional costs associated with recommended treatment.
- (3) The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.

- (4) The day-to-day operation and management of the Floyd County Veterans Treatment Court shall be assigned to Floyd Superior Court 3.
- (5) All criminal charges shall be filed as provided for in this rule. However, after a charge has been filed, a judge may refer the defendant to a Problem Solving Court, and if accepted by the Problem Solving Court the Judge may transfer the defendant's case to the Problem Solving Court for admission and disposition in accordance with IC 33-23-16-13, 14 or 15 and the Problem Solving Court policies and procedures.
- (6) A Problem Solving Court may initiate and/or accept transfers of individual from another court.

**L.      Allocation of user of Magistrate for Purposes of Weighted Caseload Utilization.** Circuit Court and Superior Court #2 shall each be allocated two (2) days per week for use of the Magistrate. Superior Court #1 and Superior Court #3 shall each be allocated one-half (1/2) day per week for use of the Magistrate. When reporting quarterly and annual statistics to State Court Administration, it shall be the duty of the Court Reporter of each Court to include the above allocation of the Magistrate's time in calculating judicial resources available to that Court.

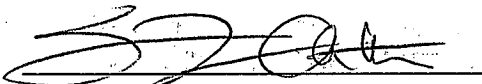
**ORDER AMENDING LOCAL RULES OF PRACTICE FOR THE**  
**CIRCUIT AND SUPERIOR COURTS**  
**OF THE 52<sup>ND</sup> JUDICIAL CIRCUIT, FLOYD COUNTY, INDIANA**

Pursuant to the requirements of Administrative Rule 15 of the Indiana Supreme Court, IT IS HEREBY ORDERED that the Local Civil Rules of Practice for the Circuit and Superior Courts of the 14<sup>th</sup> Judicial Circuit, Floyd County, Indiana are hereby amended by the revision of the following Local Rule 22-TR-00-117 setting forth Assignment of Cases to Equalize Workload Between Courts. This Local Rule shall be applicable in all criminal and civil matters and shall be effective retroactive to January 1, 2012, on approval by the Indiana Supreme Court.

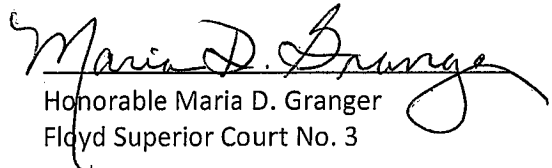
The Courts find that pursuant to Trial Rule 81(D) good cause exists to deviate from the schedule established by the Division of State Court Administration for the adoption of local rule.

The Clerk of the Floyd County Court is advised to post this rule amendment in their office and on their website, if any, for a period of thirty (30) days.

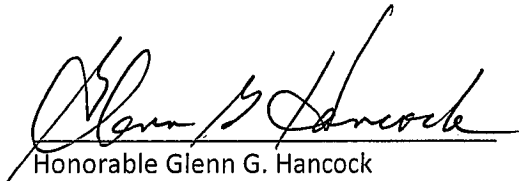
So ORDERED this 1<sup>st</sup> day of June, 2012.



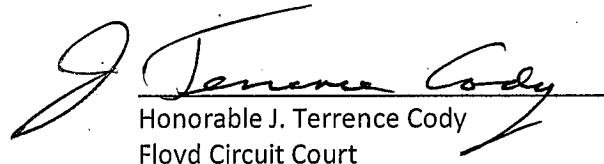
Honorable Susan L. Orth  
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